

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JACQUELINE FERNANDEZ, *on behalf of herself*
and all others similarly situated,

Plaintiffs,

-v-

CUDDLE CLONES, LLC,

Defendant.

25-CV-01837 (JAV)

ORDER

JEANNETTE A. VARGAS, United States District Judge:

On June 5, 2025, Defendant filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that, pursuant to Rule 5.I of this Court's Individual Rules and Practices in Civil Cases, by **June 17, 2025**, the non-moving party must notify the Court whether it intends to file an amended pleading or rely on the pleading being attacked.

If Plaintiff elects to amend the complaint, Plaintiff shall file any amended complaint by **June 26, 2025**. Pursuant to Local Civil Rule 15.1, available at <https://www.nysd.uscourts.gov/rules>, any amended complaint should be filed with a redline showing all differences between the original and revised filings. Plaintiff is on notice that there will likely not be any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If Defendant files an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendant files a new motion to dismiss or indicates that it relies on its previously filed motion to dismiss, any opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition.

If Plaintiff elects not to amend the pleadings, Plaintiff shall file any opposition to the motion to dismiss by **June 26, 2025**. Defendant's reply, if any, shall be filed by **July 7, 2025**.

SO ORDERED.

Dated: June 11, 2025
New York, New York


JEANNETTE A. VARGAS
United States District Judge